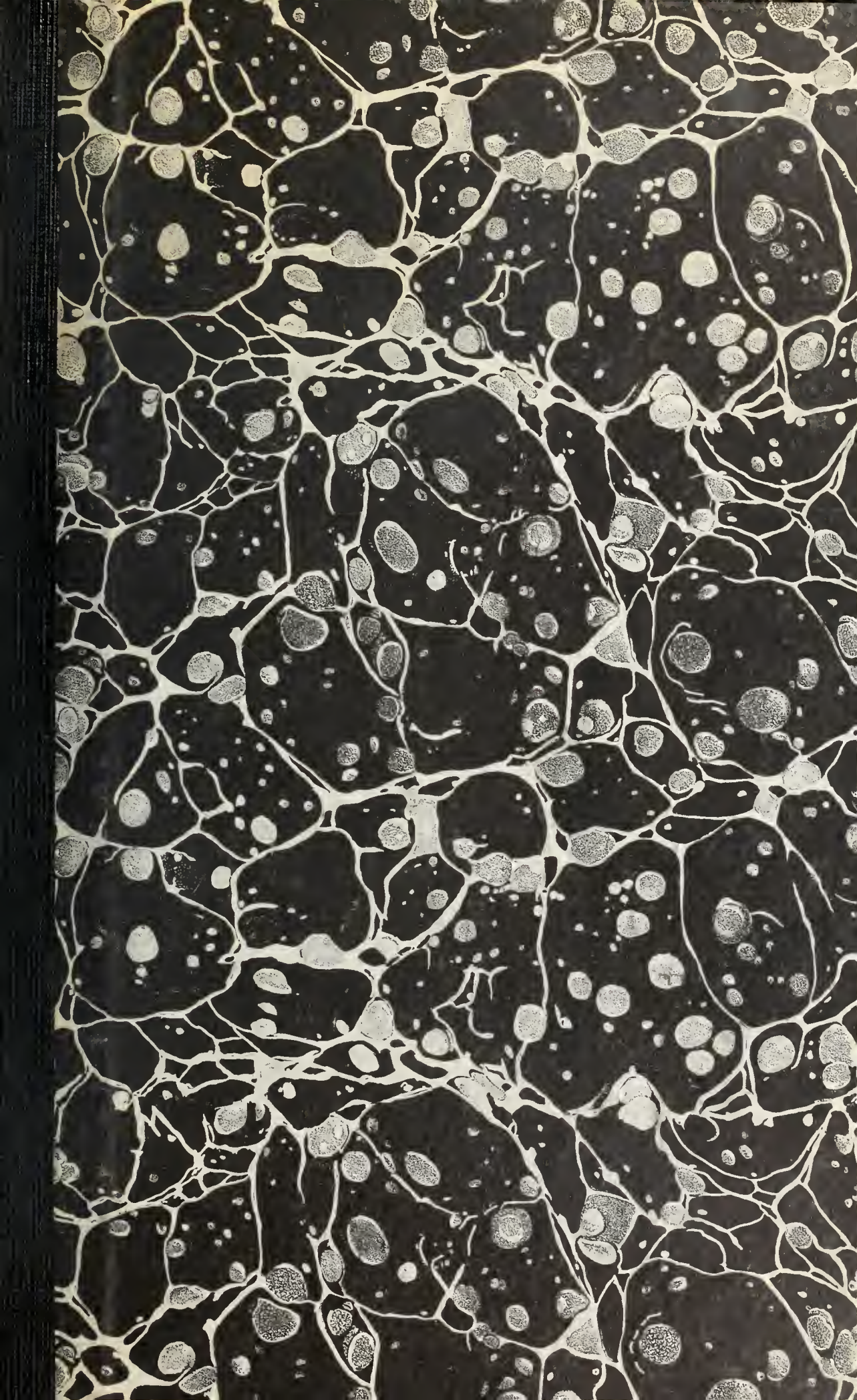




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I Appoint *John Wright*, and *Richard Chiswell*, to Print these RESOLUTIONS, REPORT, RESOLVES, and VOTES, Perused by me, According to the Order of the HOUSE of COMMONS; And that no other Person presume to Print them.
23th. Decemb. 1680.

Wi WILLIAMS, *Speaker*.

THE
RESOLUTIONS
OF THE
HOUSE of COMMONS,
FOR THE
IMPEACHMENT
OF
Sir WILLIAM SCROGGS Knt.
Chief Justice of the COURT of
King's Bench;

{ Sir THOMAS JONES Knight, one of the
Justices of the same Court.
{ Sir RICHARD WESTON Knight, one of
the Barons of the Court of EXCHEQUER.

Upon the Report of the Committee
of the Commons Appointed to Examine the
Proceedings of the Judges in *Westminster-Hall*,
and to Report the same, with their Opinions
therein, to the House; and also upon the RE-
SOLVES and VOTES of the Commons in
Parliament, upon that REPORT relating to
the ARBITRARY and ILLEGAL Proceed-
ings of the said Judges.

Thursday 23th. of December. 1680.

L O N D O N,

Printed for *John Wright*, at the Crown on *Ludgate-Hill*, and *Richard
Chiswell*, at the Rose and Crown in *St. Pauls Church-yard*. 1680.

THE
R E P O R T
 OF THE
Committee
 OF THE
COMMONS,
 Appointed to Examine
 THE
PROCEEDINGS
 OF THE
JUDGES, &c.

THis Committee being Inform'd, that in *Trinity-Term* last, the Court of *Kings-Bench* discharg'd the Grand Jury, that serv'd for the Hundred of *Ossulston*, in the County of *Middlesex*, in a very unusual manner; proceeded to enquire into the same, and found by the Information of *Charles Umfrevill*, Esq; Foreman of the said Jury, *Edward Proby*, *Henry Gerard*, and *John Smith*, Gentlemen, also of the said Jury, That on the 21th of *June* last, the Constables attending the said Jury, were found Defective, in not presenting the *Papists* as they ought, and thereupon were ordered by the said Jury to make further Presentments of them on the 26 following, on which Day the *Jury* met for that purpose; when several Peers of this Realm, and other Persons of Honour and Quality, brought them a Bill against *James Duke of York*, for not coming to *Church*: But some Exceptions being taken to that Bill, in that it did not set forth the said Duke to be a *Papist*, some of the *Jury* Attended the said persons of Quality to receive Satisfaction therein. In the mean time, and about an Hour after they had received the said Bill, some of the *Jury* Attended the Court of *Kings-Bench* with a Petition, which

O o o

they

they desired the Court to present in their Name unto His Majesty for the Sitting of this *Parliament*. Upon which the Lord Chief Justice *Scroggs* raised many Scruples, and on pretence that they were not all in Court (tho' twenty of the *Fury* had subscribed the Petition) sent for them, saying, he would dispatch them presently. The *Fury* being come, and their Names called over, they renewed their Desire that the Court would present their Petition: But the Chief Justice ask'd, if they had any Bills? they Answered, They had, but the Clerks were drawing them into Form: Upon which the Chief Justice said, They would not make two Works of one Business: and the Petition being Read, he said, This was no Article of their Charge, nor was there any Act of *Parliament* that required the Court to deliver the *Grand Fury's* Petitions: That there was a *Proclamation* about them; And that it was not reasonable the Court should be obliged to run on their Errands: And he thought it much, that they should come with a Petition to alter the Kings Mind declared in the News Book. The *Fury* said, They did it not to Impose on the Court, but (as other *Furies* had done) with all Submission they desired it: But the Court refused, bidding the Cryer return them their Petition: And Mr. Justice *Fones* told them, They had meddled with Matters of State, not given them in Charge, but presented no Bills of the Matters given in Charge. They answered as before, They had many before them, that would be ready in due time. Notwithstanding which, the said Justice *Fones* told them, They were Discharged from further Service. But *Philip Ward* (the Clerk that Attended the said *Fury*) cried out, No, No, they have many Bills before them; for which the Court understanding (as it seems to this Committee) a secret Reason, which the Clerk did not, reproved him, Asking if he or they were to give the Rule there? The Cryer then told the Court; They would not receive their Petition; the Chief Justice bid him let it alone; so it was left there, and the *Fury* returned to the Court-House, and there found several Constables with Presentments of *Papists* and other Offenders, as the *Fury* had directed them on the 21th before, but could not now receive the said Presentments, being discharged. Whereby much business was obstructed, tho' none of the said Informants ever knew the said *Fury* discharged before the last Day of the Term, which was not till Four days after. And it further Appareth to the Committee, by the Evidence of *Samuel Asprey*, *Fasper Waterhouse*, and *Philip Ward*, Clerks, that have long served

served in the said Court, That they were much surprized at the said discharging of the *Fury*, in that it was never done in their Memory before ; and the rather, beca use the said *Water-house*, as Secondary, constantly enters on that *Grand Fury's* paper, that the last day of the Term is given them to return their Verdict on, as the last day but one is given to the other Two *Grand Furies* of that County, which Entry is as followeth ;

Trinit. 32. Car. 2d.

Fuarores habent diem ad Verdictum suum reddendum usq; diem Mercurij proxime post tres Septimanas, sancte Trinitatis. *Middlesex. Offulston Hundred*

Being the last day of the Term, and so in all the other Terms the last day is given ; which makes it appear to this Committee, That they were not in truth Discharged for not having their Presentments ready, since the Court had given them a longer day, but onely to obstruct their further Proceedings: And it appeareth by the Evidence aforesaid to this Committee, That the four Judges of that Court were present at the Discharging of the said *Fury*, and it did not appear that any of them did Dissent therein ; upon Consideration whereof, the Committee came to this Resolution.

Resolved, That it is the Opinion of this Committee, That the Discharging of the *Grand Fury* of the Hundred of *Offulston* in the County of *Middlesex*, by the Court of *Kings-Bench* in *Trinity-Term* last, before the last day of the Term, and before they had finishd their Presentments, was Illegal, Arbitrary, and an High Misdemeanour.

This Committee proceeded also to inquire into a Rule of the Court of *Kings-Bench*, lately made against the publishing a Book called, *The Weekly Pacquet of Advice from Rome* ; or, *The History of Popery*: and *Samuel Astrey* Gent. examined there-upon, inform'd this Committee, that the Author of the said Book *Henry Car*, had been informed against for the same and had pleaded to the Information : but before it was Tryed, a Rule was made on a Motion, as he supposeth, against the said Book : All the Judges of that Court (as he remembers) being present, and none dissenting. The Copy of which Rule he gave in to this Committee, and is as followeth.

Dies Mercurij proxime post tres Septimanas, sancte Trinitatis. Anno 32 Car. 2d. Regis.

Ordinatum est quod liber intitulat, The Weekly Pacquet of Advice from Rome, or, The History of Popery, non ulterius Imprimatur vel publicetur per aliquam Personam quam cunq; Per. Cur. And

And this Committee admiring that Protestant Judges should take offence against a Book whose chief design was to expose the Cheats and Foppery of Popery, enquired further into it, and found by the Evidence of *Fane Curtis*, that the said Book had been Licens'd for several Months, that her Husband paid for the Copy, and enter'd it in the Hall-Book of the Company: But for all this, she could not prevail by these Reasons with the Lord Chief Justice *Scroggs* to permit it any longer; who said, 'Twas a Scandalous Libel, and against the King's Proclamation, and he would ruine her if ever she printed it any more: And soon after she was served with the said Rule, as the Author and other Printers were; and by the Author's Evidence it appears, That he was taken and brought before the said Chief Justice by his Warrant above a year since, and upon his owning he writ part of that Book, the Chief Justice called him Rogue, and other ill names; saying, he would fill all the Goals in *England* with such Rogues, and pile them up as men do Faggots; and so committed him to prison, refusing sufficient Bayl, and saying, he would Goal him to put him to Charges; and his Lordship observed his word punctually therein, forcing him to his *Habeus Corpus*, and then taking the same Bayl he refused before; upon which, this Committee came to this Resolution.

Resolved, That it is the opinion of the Committee, That the Rule made by the Court of *Kings-Bench* in Trinity Term last, against printing a Book called, *The Weekly Patquet of Advice from Rome*, is Illegal and Arbitrary.

And the Committee proceeded further, and upon Information that a very great latitude had been taken of late by the Judges, in imposing Fines on the persons found Guilty before them, caused a Transcript of all the Fines imposed by the *Kings-Bench* since Easter Term in the 28th of His Majesties Reign, to be brought before them from the said Court by *Samuel Astrey* Gent. by perusal of which, it appear'd to this Committee, That the quality of the Offence, and the Ability of the person found-Guilty, have not been the Measures that have determined the quantity of many of these Fines, which being so very numerous, the Committee referr themselves to those Records as to the general, instancing in some particulars, as followeth.

Upon

Upon *Joseph Brown* of *London, Gent.* on an Information Trinit. 19.
Car. 2. for publishing a printed Book called, *The Long Parliament Dissolved*; in which is set forth these words: *Nor let any man think it strange, that we account it treason for you to sit and act contrary to our Laws: for if in the first Parliament of Richard the second, Grimes and Weston for lack of Courage only were adjudged guilty of High Treason for surrendring the places committed to their trust; how much more you, if you turn Renegadoes to the people that intrusted you, and as much as in you lye surrender not a little pitiful Castle or two, but all the legal defence the people of England have for their Lives; Liberties, and Properties, at once. Neither let the vain perswasion delude you, That no president can be found, that one English Parliament hath hang'd up another; tho peradventure even that may be proved a mistake: for an unpresidented Crime calls for an unpresidented punishment; and if you shall be so wicked to do the one, or rather endeavour to do (for now you are no longer a Parliament) what ground of confidence you can have that none will be found so worthy to do the other, we cannot understand: and do faithfully promise, if your unworthiness provoke us to it, that we will use our honest and utmost endeavours (whenever a new Parliament shall be called) to chuse such as may convince you of your mistake: the old and infallible Observation, That Parliaments are the pulse of the people, shall lose its esteem: or you will find, that this your presumption was over-fond; however it argues but a bad mind to sin, because it's believed it shall not be punished.* The Judgment was, That he be fin'd 1000 Marks, be bound to the good behaviour for seven years, and his name struck out of the Roll of the Attorneys, without any offence alledged in his said Vocation. And the publishing this Libel consisted only in superscribing a Pacquet, with this inclosed, to the *East Indies*. Which Fine he not being able to pay (living only upon his Practice) he lay in prison for three years, till His Majesty graciously pardon'd him, and recommended him to be restored to his Place again of Attorney, by His Warrant dated the 15. of Decemb. 1679. Notwithstanding which, he has not yet obtained the said Restauration from the Court of Kings Bench.

Upon *John Harrington* of *London, Gent.* for speaking these words laid in *Latin* thus: *Quod nostra Gubernatio de tribus statibus consistibat, & si Rebellio eveniret in regno, & non accideret contra omnes tres status, non est Rebellio.* A Fine of 1000 *l.* Sureties for the Good behaviour for seven years, Hill. 29 & 30.
Car. 2.

and to recant the words in open Court; which Fine he was in no capacity of ever paying.

Hill 31 & 32
Car. 2.

Upon *Benjamin Harris* of *London*, Stationer, on an Information for printing a Book call'd, *An Appeal from the Countrey to the City*, setting forth these words: *We in the Countrey have done our parts, in chusing for the generality good Members to serve in Parliament: but if (as our two last Parliaments were) they must be dissolved or prorogued whenever they come to redress the grievances of the subject, we may be pitied, not blam'd, if the Plot takes effect; and in all probability it will. Our Parliaments are not then to be condemn'd, for that their not being suffer'd to sit, occasion'd it.* Judgment to pay 500 l. Fine, stand on the Pillory an hour, and give Sureties for the good behaviour for three years. And the said *Benj. Harris* inform'd this Committee, That the Lord Chief Justice *Scroggs* prest the Court then to add to this Judgment his being publickly whipt; but Mr. Justice *Pemberton* holding up his hands in admiration at their severity therein, Mr. Justice *Jones* pronounc'd the Judgment aforesaid; and he remains yet in prison, unable to pay the said Fine.

Notwithstanding which Severity in the Cases forementioned, this Committee has observed the said Court has not wanted in other Cases an extraordinary Compassion and Mercy, though there appear'd no publick reason judicially in the Trial; as in particular:

Hill. 31 & 32.
Car. 2.

Upon *Thomas Knox* principal, on an Indictment of Subornation and Conspiracy against the Testimony and Life of *Dr. Oates* for Sodomy; and also against the Testimony of *William Bedloe*; a Fine of 200 Marks, a-years Imprisonment, and to find Sureties for the good behaviour for three years.

Eod.Ter.

Upon *John Lane*, for the same offence, a Fine of 100 Marks, to stand in the Pillory for an hour, and to be imprison'd for one year.

Par. 32. Car 2.

Upon *John Tasborough* Gent. on an Indictment for Subornation of *Stephen Dugdale*, tending to overthrow the whole Discovery of the Plot: The said *Tasborough* being affirmed to be a person of good quality, a Fine of 100 l.

Eod. Term

Upon *Ann Price* for the same offence, 200 l.

Prin. 32 C 2.

Upon *Nathaniel Thompson* and *William Badcock*, on an Information for Printing and Publishing weekly a Libel, call'd *The true Domestic Intelligence, or News both from City and Country*, and known to be Popishly affected, a Fine of 3, 6, 8, on each of them.

Upon

Upon *Mathew Turner*, Stationer, on an Information for vending and publishing a Book, call'd *the Compendium*, wherein the Justice of the Nation in the late Tryals of the Popish Conspirators, even by some of these Judges themselves, is highly Arraign'd ; and all the Witnesses for the King horribly asperst : and this being the Common Notorious Popish Book-seller of the Town, Judgment to pay a Fine of 100 Marks, and is said to be out of Prison already. Eod. Ter.

Upon *Loveland*, on an Indictment for a Notorious Conspiracy and Subornation against the Life and Honour of the Duke of *Buckingham*, for Sodomy, a Fine of 5 l. and to stand an hour in the Pillory. Trin. 32. C.2.

Upon *Edward Christian*, Esq; for the same Offence, a Fine of 100 Marks, and to stand an hour in the Pillory. And upon *Arikur Obrian*, for the same offence, a Fine of 20 Marks, and to stand an hour in the Pillory. Mich. 32. C.2.

Upon Consideration whereof, this Committee came to this Resolution :

Resolv'd, That it is the Opinion of this Committee, That the Court of *Kings-Bench* (in the Imposition of Fines on Offenders of late years) hath acted Arbitrarily, Illegally and Partially, favouring Papists, and persons Popishly affected, and excessively oppressing His Majesties Protestant Subjects.

And this Committee being inform'd, That several of his Majesties Subjects had been Committed for Crimes Baylable by Law, although they then tendred sufficient Sureties, which were refus'd, only to put them to vexation and charge, proceeded to enquire into the same, and found that not only the foremention'd *Henry Carr* had been so refus'd the Common Right of a Subject, as is abovesaid ; but that *George Broome*, being a Constable last year in *London*, and Committing some of the Lord Chief Justice *Scroggs* Servants for great Disorders, according to his Duty, he was in few days arrested by a Tipstaff, without any *London* Constable, and carried before the said Chief Justice by His Warrant, to answer for the Committing of those persons abovesaid ; but being there, was accused of having spoken irreverently of the said Chief Justice ; and an *Affidavit* read to him to that purpose, which was falsly (as the said *George Broome* affirms) Sworn against him by two persons that use to be Common Bayl in that Court, and of very ill reputation.

putation. Upon which he was Committed to the *Kings-Bench*, though he then tendred two able Citizens and Common-Council-men of *London* to be his Bayl: and he was forc't to bring his *Habeas Corpus* to his great Charge before he came out: When the Marshall, Mr. *Cooling*, exacted 5*l.* of him; of which he complain'd to the Chief Justice, but had no other Answer, But he might take his Remedy at Law. But the said Marshall fearing he should be questioned, restor'd him two *Guineys* of it.

And further this Committee was inform'd by *Francis Smith*, Bookseller, That about *Michaelmas* was Twelve-month he was brought before the said Chief Justice by his Warrant, and charged by the Messenger, *Robert Stephens*, That he had seen some parcels of a Pamphlet, call'd, *Observations on Sir George Wakeman's Trial*, in his Shop: Upon which the Chief Justice told him, he would make him an Example; use him like a Bore in *France*, and pile him and all the Booksellers and Printers up in Prison, like Faggots; and so Committed him to the *Kings-Bench*: Swearing and Curling at him in great fury. And when he tendred three sufficient Citizens of *London* for his Bail, alledging Imprisonment in his circumstances would be his utter ruin; the Chief Justice replied, The Citizens lookt like sufficient persons; but he would take no bail; and so he was forc't to come out by *Habeas Corpus*, and was afterwards inform'd against for the same matter, to his great charge and vexation. And a while after *Francis* (the Son of the said *Francis Smith*) was committed by the said Chief Justice, and bail refus'd, for selling a Pamphlet call'd, *A New years gift* for the said Chief Justice, to a Coffee-house; and he declared to them he would take no bail, for he would ruin them all.

And further it appear'd to this Committee, that the said Chief Justice (about *October* was twelve month) committed in like manner *Jane Curtis*, she having a husband and children, for selling a Book call'd, *A Satyr against Injustice*, which his Lordship call'd a Libel against him; and her friends tendring sufficient Bail, and desiring him to have mercy on her poverty, and condition; he swore by the name of God she should go to prison; and he would shew no more mercy than they could expect from a Wolf that came to devour them; and she might bring her *Habeas Corpus* and come out so: Which she was forc'd to do; and after inform'd against and prosecuted to her utter ruin, four or five Terms after.

In like manner it appeared to this Committee, that about that time also, *Edward Berry* (Stationer of *Grays Inn*) was committed by the said Chief Justice, being accus'd of selling *The Observations on Sir George Wakeman's Tryal*; and though he tendered 1000 l. Bail, yet the Chief Justice said, he would take no Bail, he should go to Prison, and come out according to Law. And after he with much Trouble and Charge got out by *Habeas Corpus*, he was forc'd by himself, or his Attorney, to attend five Terms before he could be discharg'd, though no Information was Exhibited against him in all that time. In Consideration whereof, and of others of the like Nature, (too tedious here to relate) this Committee came to this Resolution,

Resolved,

That it is the Opinion of this Committee, That the refusing sufficient Bail in these Cases, wherein the Persons Committed were Bailable by Law : Was Illegal, and a High Breach of the Liberty of the Subject.

And this Committee being Informed of an extraordinary kind of a Charge, given at the last Assizes at *Kingston* (in the County of *Surrey*) by Mr. *Baron Weston*, and proceeding to examine several Persons then and there present: It was made appear to this Committee, by the Testimony of *John Cole*, *Richard Mayo*, and *John Peirce*, Gentlemen, and others (some of whom put down the said Barons words in writing, immediately) that part of the said Charge was to this effect: He inveighed very much against *Farel*, *Luther*, *Calvin*, and *Zuinglius*, condemning them as Authors of the Reformation: Which was against their Princes minds, and then adding to this purpose, *Zuinglius set up his Fanaticisme*, and *Calvin built on that blessed Foundation*: And to speak truth, all his Disciples are seasoned with such a sharpness of Spirit, that it much concerns Magistrates to keep a strait hand over them: And now they are restless, amusing us with fears, and nothing will serve them but a Parliament: For my part, I know no Representative of the Nation but the King; all Power Centers in him: 'Tis true, he does intrust it with his Ministers, but he is the sole Representative; and I faith, he has wisdom enough to intrust it no more in these men, who have given us such late Examples of their wisdom and Faithfulness. And this Committee taking the said matter into their Consideration, came to this Resolution.

Resolved,

That it is the Opinion of this Committee, that the said Expressions in the Charge given by the said *Baron Weston*, were a Scandal to the Reformation, in Derogation of the Rights and Priviledges of Parliaments, and tending to raise Discord between his Majesty and his Subjects.

Q q q

And

And this Committee being Informed by several Printers and Book-sellers, of great Trouble and Vexation given them unjustly by one Robert Stephens, (called a Messenger of the Press) the said Stephens being Examined by this Committee, by what Authority he had proceeded in that manner, Produced two Warrants under the hand and Seal of the Chief Justice Scroggs, which were, *in hac verba*:

Angl. ff. **W**hereas There are divers ill disposed persons who do dayly Print and Publish many Seditious and Treasonable Books and Pamphlets, endeavouring thereby to dispose the minds of his Majesties Subjects to Sedition and Rebellion. And also infamous Libels reflecting upon particular persons, to the great scandal of his Majesties Government. For Suppressing whereof, his Majesty hath lately issued out his Royal Proclamation. And for the more speedy suppressing the said Seditious Books, Libels and Pamphlets, and to the end that the Authors and Publishers thereof may be brought to their punishment.

These are to will and require you, and in His Majesties Name to charge and command you, and every of you, upon sight hereof, to be Aiding and Assisting unto Robert Stephens, Messenger of the Press, in the seizing on all such Books and Pamphlets as aforesaid, as he shall be informed of, in any Book-sellers or Printers Shops or Ware-houses, or elsewhere whatsoever, to the end they may be disposed as to Law shall appertain; Also if you shall be informed of the Authors, Printers, or Publishers of such Books or Pamphlets as are above-mentioned, you are to Apprehend them, and have them before one of His Majesties Justices of the Peace, to be proceeded against according to Law. Dated this 29th day of November, 1679.

To Robert Stephens Messenger of the Press, and To all Mayors, Sheriffs, Bayliffs, Constables, and all other Officers and Ministers whom these may concern.

WILLIAM SCROGGS.

Whereas

Angl. ff. **W** *Whereas* The King's Majesty hath lately Issued out His Proclamation for Suppressing the Printing and Publishing Unlicensed News-Books, and Pamphlets of News : Notwithstanding which, there are divers Persons who do daily Print and Publish such Unlicensed Books and Pamphlets.

These are therefore to Will and Require You, and in His Majesty's Name to Charge and Command You, and every of You, from Time to Time, and at all Times, so often as You shall be thereunto required, to be Aiding and Assisting to Robert Stephens, Messenger of the Press, in the Seizing all such Books and Pamphlets as aforesaid, as he shall be informed of, in any Book-seller's Shop, or Printer's Shop or Ware-houses, or elsewhere whatsoever, to the End they may be disposed of as to Law shall appertain. Likewise, if You shall be Informed of the Authors, Printers or Publishers of such Books and Pamphlets, You are to Apprehend them, and have them before Me or one of His Majesty's Justices of the Peace, to be Proceeded against as to Law shall appertain. Dated this 28th. Day of May, Anno Dom. 1680.

To all Mayors, Sheriffs, Bayliffs,
Constables, and all other Officers and Ministers whom these
may concern.

WILLIAM SCROGGS.

To Robert Stephens, Messenger of the Press.

Upon View whereof this Committee came to this Resolution.

Resolved, *That it is the Opinion of this Committee, That the said Warrants are Arbitrary and Illegal.*

And this Committee being informed of certain Scandalous Discourses, said to be uttered in publick places
by

by the Lord Chief Justice *Scroggs*, proceeded to Examine Sir *Robert Atkins*, late one of the Justices of the Common-Pleas, concerning the same, by whom it appears, That at a Sessions Dinner at the *Old Bayly* (in the Majority of Sir *Robert Clayton*) who was then present, The said Chief Justice took Occasion to speak very much against Petitioning, Condemning it as Resembling 41, as Factionous and tending to Rebellion, or to that Effect, to which the said Sir *Robert Atkins* made no Reply, suspecting he waited for some Advantage over him: But the Chief Justice continuing and Pressing him with the said Discourse, he began to justify Petitioning as the Right of the People, especially for the Sitting of a Parliament, which the Law Requires, if it be done with Modesty and Respect. Upon which the Chief Justice fell into a great Passion; and there is some Reason to believe, that soon after he made an ill Representation of what the said Sir *Robert* had then spoke unto his Majesty. And this Committee was further Informed, that the said Sir *Robert Atkins* being in Circuit with the said Chief Justice at Summer Assizes was Twelve-month, at *Monmouth*, (Mr. *Arnold*, Mr. *Price*, and Mr. *Bedlow* being then in Company) the Chief Justice fell severely in Publick upon Mr. *Bedlow*, taking off the Credit of his Evidence, and alledging he had over-shot himself in it, or to that Effect; very much to the Disparagement of his Testimony: And the said Sir *Robert* defending Mr. *Bedlows* Evidence and Credit, he grew extream Angry and Loud, saying to this Effect, *That he verily Believed Langhorn Dyed Innocently*. To which the said Sir *Robert* Replyed, he wondred how he could think so, who had Condemned him himself, and had not moved the King for a Reprieve for him. All which matters of Discourse this Committee humbly Submit to the Wisdom and Consideration of this House, without taking upon them to give any Opinion therein.

And

And this Committee proceeded further to inquire into some Passages that happened at *Leet Assizes* last for the County of *Somerset*, at the Tryal of *Thomas Dare* Gent. there, upon an Indictment for saying, falsely and seditiously, *That the Subjects had but two means to Redress their Grievances, One by Petitioning, the Other by Rebellion*: And found, that though by his orner discourse when he said so, that it appeared plainly he had no Rebellious intent, in that he said, *Then God forbid there should be a Rebellion, he would be the first man to draw his Sword against a Rebel*; yet he was prosecuted with great violence: And having pleaded *Not Guilty*, he moved Mr. Justice *Jones* (who then was Judge there) that he might try it at the next *Assizes*, for that Mr. *Searle* (who was by at the speaking of the words, and a material Witness for his defence) was not then to be had, and an *Affidavit* to that purpose was made and received. But the said Justice *Jones* told him, That was a Favor of the Court only, and he had not deserved any Favor, and so forc'd him to try it presently. But the Jury, appearing to be an extraordinary one, proceeded on purpose, being all of Persons that had highly oppos'd Petitioning for the Sitting of this Parliament. he was advis'd to withdraw his Plea; and the said Justice *Jones* encouraging him so to do, he confess'd the words, denying any evil Intention, and gave the said Justice an account in writing of the Truth of the whole matter, and made a submission in Court, as he was directed by the said Justice: who promis'd to recommend him to His Majesty, but impos'd a Fine of 500 *l.* on him, and to be bound to the Good Behavior for three years; Declaring also, That he was turned out from being a Common Councillor of the Corporation of *Taunton* in the said County, on pretence of a Clause in their Charter; giving such a power to a Judge of *Assize*. And the said *Thomas Dare* remains yet in Prison for the said Fine; in which matter of the Tryal aforesaid, this Committee desireth to refer itself to the Judgment of this House.

The RESOLUTIONS of the
HOUSE of COMMONS
Upon the said Report.

I.

That it is the Opinion of this House, That the Discharging of the Grand Jury of the Hundred of *Oswalston*, in the County of *Middlesex*, by the Court of *Kings Bench* in *Trinity Term* last, before the last day of the Term, and before they had finished their Presentments, was Arbitrary and Illegal, destructive to publick Justice, a manifest Violation of the Oaths of the Judges of that Court, and a means to subvert the Fundamental Laws of this Kingdom, and to Introduce Popery.

I I.

That it is the Opinion of this House, That the Rule made by the Court of *Kings Bench* in *Trinity Term* last, against Printing of a Book, called, *The Weekly Pacquet of Advice from Rome*, is Illegal and Arbitrary thereby, usurping to themselves Legislative Power, to the great Discouragement of the Protestants, and for the Countenancing of Popery.

I I I.

That it is the Opinion of this House, That the Court of *Kings-Bench* in the Imposition of Fines on Offenders, of late Years, have acted Arbitrarily, Illegally, and Partially, favouring Papists and Persons Popishly affected, and excessively oppressing His Majesties Protestant Subjects.

I V.

That it is the Opinion of this House, That the refusing sufficient Bail in these Cases, wherein the Persons committed wereailable by Law, was Illegal, and a high Breach of the Liberties of the Subject.

V.

That it is the Opinion of this House, That the said Expressions in the Charge given by the said Baron *Weston*, were a Scandal to the Reformation, and tending to raise Discord between His Majesty and His Subjects, and to the Subversion of the Ancient Constitution of Parliaments, and of the Government of this Kingdom.

V I.

That it is the Opinion of this House, That the said Warrants are Arbitrary and Illegal.

THE

THE
RESOLUTIONS
OF THE
COMMONS,
FOR THE
IMPEACHMENT
OF THE SAID
JUDGES.

Resolved,

That Sir *William Scroggs* Knight, Chief Justice of the Court of *Kings-Bench*, be Impeached upon the said Report, and the Resolutions of the House thereupon.

Resolved,

That Sir *Thomas Jones*, one of the Justices of the said Court of *Kings-Bench*, be Impeached upon the said Report, and Resolutions of the House thereupon.

Resolved,

That Sir *Richard Weston*, one of the Barons of the Court of *Exchequer*, be Impeached upon the said Report, and Resolutions of the House thereupon.

Ordered,

That the Committee appointed to prepare an Impeachment against Sir *Francis North*, Chief-Justice of the Court of *Common-Pleas*, do prepare Impeachments against the said Sir *William Scroggs*, Sir *Thomas Jones*, and Sir *Richard Weston*, upon the said Report and Resolutions.

Ordered,

That the said Report, and several Resolutions of this House thereupon, be Printed; and that *Mr. Speaker* take care in the Printing thereof apart from this days other Votes.

FINIS.

(1793)

THE

RESOLUTIONS

OF THE

COMMONS

IN PARLIAMENT

ASSEMBLED

ON THE 17TH

JANUARY

1793

AND

1794

1795

1796

1797

